

Appln No. 09/931,590
Amdt date June 19, 2007
Reply to Office action of January 24, 2007

REMARKS/ARGUMENTS

Claims 1-10 and 12-27 were pending in this application when last examined by the Examiner. Claims 1 and 13 have been amended. Claims 20-27 have been canceled. Claims 28-35 have been added. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, Applicant respectfully requests reconsideration and an early indication of allowance of the now pending claims 1-10, 12-19 and 28-35.

Claims 1, 3-9, 12-13, and 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al. (U.S. Publication No. 2002/0124249) in view of Shoff et al. (U.S. Publication No. 2001/0001160). Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al. in view of Shoff et al. and in further view of Dunn et al. (U.S. Patent No. 5,517,257). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani et al. in view of Shoff et al. and in further view of Bolnick et al. (U.S. Publication No. 2001/0023230). Applicant respectfully traverses these rejections.

Shintani is directed to providing targeted advertising to individual users each time a video program is selected for playback. (See, par. 0045-0050). The selected video program may be a video-on-demand program or a previously recorded television program. Shintani recognizes that "[s]ince the playback is an individual playback for the user, advertisements can be individually selected for the user based upon the user's individual profile." (Par. 0045). In addition to using a user's profile including his or her viewing history to select advertisements, Shintani teaches that "advertising can be varied depending upon the content, advertisement history, playback time and date, and/or other factors." (Par. 0045). Thus, the aim of Shintani is to provide a new, updated advertisement each time a program is selected for playback. The selected advertisement is therefore "not static and, thus, more likely to be subject to becoming obsolete (e.g., discontinued products or services, events that have already taken place, etc.) or tiring to the viewer." (Par. 0045; see also, par. 0048; 0050).

In contrast, amended claim 1 specifically recites that "the same interactive content [is] configured to be displayed by each client device during the first time period" when the broadcast

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event is broadcast. Amended claim 1 also recites "a particular one of the client devices retrieving the stored broadcast event and interactive content in response to a user command; and the particular one of the client devices playing back the retrieved broadcast event during a second time period . . . the interactive content provided by the corresponding PIR during the second time period configured to be the same interactive content that would have been displayed when the event was broadcast during the first time period." (Emphasis added). As discussed above, assuming, *arguendo*, that the advertisements in Shintani are the claimed "interactive content," the advertisements that are selected for playback in Shintani are not "configured to be the same interactive content that would have been displayed when the event was broadcast during the first time period." Accordingly, claim 1 is now in condition for allowance.

Independent claim 13 includes limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 13 is also in condition for allowance for the reasons discussed above with respect to claim 1.

Claims 2-10, 12, and 14-27 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

Claims 28-36 are new in this application. Claim 30 is a new independent claim which includes limitations that are similar to the limitations of claim 1 which make claim 1 allowable. Accordingly, claim 30 is in condition for allowance for the reasons discussed above with respect to claim 1.

Added claims 28-29 and 31-35 are in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain. Specifically with respect to claims 28-29 and 35, these claims specifically recite that the interactive content "is not targeted interactive content that is based on individualized viewer profile information." As discussed above with respect to claim 1, the advertisements disclosed in Shintani are targeted advertisements that are based on individualized viewer profile information. Accordingly, claims 28-29 and 35 are also in condition for allowance for this added limitation.

With respect to claim 33, this claim recites "a user input device operably coupled to each client device for transmitting a video control message to the first and second recording devices,

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the first and second recording devices being configured to separately perform a corresponding action on respectively the video program and interactive content in response to the video control message." Support for this limitation may be found in various parts of the specification, including, for example, on page 12, line 22 - page 13, line 7. The limitations added by claim 33 are not taught nor suggested by any of the cited references. In Shintani's system, the advertisements are merged into the video program and thus, there is no separate control of the video program and the interactive content. (See, pars. 0048, 0050).

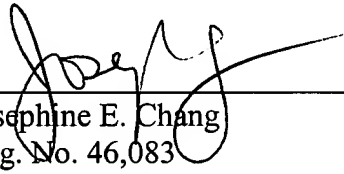
With respect to claim 34, this claim further recites that "the video control message is a message selected from a group consisting of fast forwarding, rewinding, and pausing." The Examiner relies on Dunn et al. to contend that Dunn teaches such functionality. Any fast forwarding, rewinding, and pausing functions that may be disclosed in Dunn et al., however, is for controlling a recorded video program. Nothing in Dunn et al. teaches or suggests that fast forwarding, rewinding, or pausing messages are received by "first and second recording devices, the first and second recording devices being configured to separately perform a corresponding action on respectively the video program and interactive content responsive to the video control message," as is required by claim 33, on which claim 34 depends. (Emphasis added). Accordingly, claim 34 is also in condition for allowance for its added limitations.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of the now pending claims 1-10, 12-19 and 28-35 are respectfully requested.

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Enclosed for this application is a copy of a Substitution of Attorney signed by the Assignee of this application which was mailed to the USPTO on December 19, 2006. As requested in this Substitution of Attorney form, please direct all communication to the undersigned at the address indicated therein.

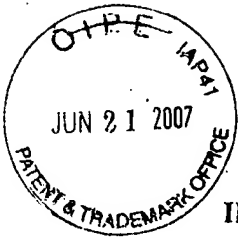
Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
Josephine E. Chang
Reg. No. 46,083
626/795-9900

JEC/alt

Encl. Assignee's Substitution of Attorney

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : See attached
Application No. : See attached
Title : See attached
Docket No. : See attached

Confirmation No. N/A

**ASSIGNEE'S SUBSTITUTION OF ATTORNEY WITH
CHANGE OF ADDRESS FOR CORRESPONDENCE
BY ASSIGNEE**

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Commissioner:

GoldPocket Interactive, Inc., assignee of the entire interest in and to each of the above-identified U.S. patent applications, identified on Exhibit A attached, hereby revokes all previous Powers of Attorney and appoints the practitioners associated with the

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of the firm CHRISTIE, PARKER & HALE, LLP, telephone (626) 795-9900, as principal attorneys with power to appoint associate attorneys, to prosecute these applications and any subsequent applications based on the disclosure of these applications, and to transact all business in the Patent and Trademark Office connected with this application and any subsequent application.

The authority under this Power of Attorney of each person identified by Customer Number 23363 shall automatically terminate and be revoked upon such person ceasing to be a member or associate of or of counsel to the firm.

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Application No. 09/899,827

Please direct all correspondence to **CUSTOMER NUMBER 23363**. Direct all telephone calls to Josephine E. Chang at 626/795-9900, **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, California 91109-7068**.

GoldPocket Interactive, Inc.

By Chris King
NAME: Chris King
TITLE: Secretary

JEC/rjl

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EXHIBIT A

Docket No.	Application No.	Filing Date	Title	Reel/Frame	Recorded
G476:58849	09/899,827	7/6/2001	System and Method for Creating Interactive Events	012456/0986	1/08/2002
G476:58850	09/931,575	08/16/2001	System and Method for Providing Interactive Content to Multiple Platforms	012431/0113	1/04/2002
G476:58848	09/804,815	3/13/2001	System and Method for Operating Internet-Based Events	012489/0353	1/15/2002
G476:58851	09/931,590	8/16/2001	System and Method for Recording and Playing Back Interactive Content During a Broadcast Event	012453/0220	1/07/2002
G476:58853	10/142,756	5/09/2002	System and Method for Coordinating Interactive Television Programs	013209/0885	8/19/2002

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INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

Attorney Docket Number

58851/G476

Application Number

09/931,590

Filing Date

August 16, 2001

Applicant(s)

Scott G. Newnam, et al.

Group Art Unit

2157

Examiner Name

Uzma Alam

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	Cite No. ¹	DOCUMENT NUMBER Number - Kind Code ² (If Known)	PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE
		5,539,822	07-23-1996	Lett
		5,638,113	06-10-1997	Lappington et al.
		5,987,525	11-16-1999	Roberts et al.
		6,061,719	05-09-2000	Bendinelli et al.
		6,161,137	12-12-2000	Ogdon et al.
		6,173,332 B1	01-09-2001	Hickman
		6,239,793 B1	05-29-2001	Barnert et al.
		6,331,144 B1	12-18-2001	Walker et al.
		6,414,635 B1	07-02-2002	Stewart et al.
		6,421,706 B1	07-16-2002	McNeill et al.
		6,426,778 B1	07-30-2002	Valdez, Jr.
		6,699,127 B1	03-02-2004	Lobb et al.
		6,728,753 B1	04-27-2004	Parasnis et al.
		7,028,327 B1	04-11-2006	Dougherty et al.
		2002/0100039 A1	07-25-2002	Iatropoulos et al.
		2002/0103696 A1	08-01-2002	Huang et al.
		2002/0129381 A1	09-12-2002	Barone, Jr. et al.
		2002/0133562 A1	09-19-2002	Newnam et al.
		2002/0143901 A1	10-03-2002	Lupo et al.
		2005/0015796 A1	01-20-2005	Bruckner et al.

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EXAMINER SIGNATURE	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. ³ Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.	

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